



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618
Phone 617-727-0660
Fax 617-727-0665
www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Board Meeting – February 24, 2014

21st Floor – Conference Room 1

Present Board Members:

- Walter White, Executive Office of Public Safety Designee, Chair (WW)
- Myra Berloff, Massachusetts Office on Disability (MB)
- Diane McLeod, Vice Chair (DM)
- Andrew Bedar, Member (AB)
- Carol Steinberg, Member (CS)

and

- Thomas Hopkins, Executive Director
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

- Meeting began at 9:10 a.m.

1) Incoming: Carter Memorial United Methodist Church, 800 Highland Ave., Needham (V14-029)

- TH - EXHIBIT – variance application and supplemental info attached
- multiple requests, may need a hearing

CS - hearing

AB - second – carries unanimously

2) Incoming: Norton High School, 66 West Main Street, Norton (V14-027)

- TH - EXHIBIT – variance application and supplemental info attached (Plan

- reconstruction, over 30%
- 1971 auditorium
- seeking variance for route to the stage, a portion does go out of sight from the rest of the auditorium
- concrete structural wall that has an opening through it to get onto the stage

MB - grant the variance for the path of travel to the stage

AB - second – carries unanimously

MB - why are the accessible seats at the back of the house in the balcony?

TH - those are extra seats at the balcony that are accessible by the balcony

TH - second variance is for 14.4.2, proposing wheelchair spaces at the front of the theater, some at the middle on an accessible route; seeking relief for the front spaces due to the existing slope of 1:8 to access those front seats

- policy proposed to be in place and will be posted at the auditorium and on any rental agreements

MB - these seats shown on A-114 are not shoulder to shoulder

MB - grant for 14.4.2, on the condition that all four of the wheelchair seating spaces at the main level of the auditorium are installed as shoulder-to-shoulder seating, aisle ways cannot be used as part of the accessible seating space; submit plans showing that the wheelchair spaces by March 18, 2014

DM - second – carries unanimously

3) Incoming Discussion: Dog Grooming Business, 20 Myrtle St., Boston (V14-015)

TH - EXHIBIT – portable ramp drawing; letter from architect

- letter from architect states that the basement is for self-service dog grooming, when no groomer is available

- portable access ramp proposed to be put in place when requested

- cannot drop the first floor, since the current basement ceiling is at the minimum of 7 feet

AB - should be 7'6" for public space

TH - would they need a variance from BBRS?

WW - no since it is an existing space

CS - what about other grooming locations?

TH - that information not submitted

KS - you can either bring your dog in and drop it off to get groomed, or you can go down (if able to) to groom your dog yourself

CS - grant as proposed; on the condition that the portable ramp is available at all times, and all employees know how to set it up; doorbell at the door for assistance; accommodation plan submitted by March 4, 2014

DM - second – carries unanimously

4) Incoming Discussion: Bricco Salumeria & Pasta Shoppe, 11 Board Alley, Boston (V14-003)

TH - EXHIBIT- February 19th letter from architect, seeking temporary CO

- hearing scheduled for April 7, 2014
- now proposing portable ramp

MB - deny, and no co until ramp in place
- withdraw

MB - deny, require that a ramp be installed by May 1, 2014 at the front entrance; may be issued a temporary certificate of occupancy that will expire on May 1, 2014, at which time they will either get a permanent CO or the business will be closed

CS - second – carries unanimously

DM - cancel the hearing

MB - second – carries unanimously

5) Incoming Discussion: Law Office, 688 Washington St., South Easton (V13-209)

TH - EXHIBIT – new submittal from lawyer, seeking variance amendment for ramp landing

- 60” by 60”
- off by 4-6” with the handrails included

MB - grant

DM - second – carries unanimously

6) Incoming Discussion: Greater Plymouth Center for the Arts, 25 ½ Court St., Plymouth (V14-042/V14-028)

TH - EXHIBIT – new submittal from owner

- 99 year lease for Greater Plymouth Center for the Arts
- previously denied the variance request
- seeking more variances than originally requested
- previous order was also to not issue any CO’s or permits
- spoke to the Petitioner on 2/21
- need to continue with their opening, will present a LULA at the hearing, and the additional variances needed

MB - is opening at the second floor?

TH - no, you can get into the building at both levels, there is an internal stair, which is the issue

Raymond Glazier, Executive Office on Elder Affairs Designee (RG)

CS - grant a temporary certificate of occupancy until the hearing date, which will be scheduled as soon as possible; with the understanding that they will come to the hearing with the plans to install a LULA
AB - second – carries unanimously

7) Incoming Discussion: Dunster House, 945 Memorial Drive, Cambridge (V13-227)

TH - previously voted for a hearing
- seeking relief to 11 of 15 entrances; proposing wall side handrails at all existing stairs
- Michael Muehe weighed in on February 12, 2014 letter (EXHIBIT)
- Muehe's letter supported the variance application

CS - grant as proposed, on the condition that directional signage posted
AB - second – carries unanimously

DM - cancel the hearing scheduled
RG - second – carries unanimously

8) Incoming: Tenant Space, 131 State St., Boston (V14-026)

TH - EXHIBIT – variance application and all supplemental information attached
- new tenant fit-out restaurant
- public toilet rooms in basement, but proposing accessible single-user men's and women's rooms at both the first and second floor
- no vertical access to the basement

MB - grant
DM - second – carries unanimously

TH - second floor restaurant, want to provide incline platform lift to provide access to the second floor
- originally proposed to use common hall elevator, which would require leaving the building
- do not need a variance for the path of travel

CS - grant the installation of the compliant incline wheelchair lift
DM - second - carries unanimously

TH - corner entrance proposing handrails and the sloped entrance; handrail and auto-openers proposed

MB - grant as proposed, on the condition that the slope does not exceed 1:12
RG - second – carries unanimously

9) Incoming Discussion: Richmond Hardware, 899-911-913-915 Washington St., Braintree (V14-002)

TH - EXHIBIT – Architect submittal, stating that made a mistake with the slopes in original application
- slopes do exceed 2%, up to 6%
- Commission had supported the variance on the condition that auto-openers installed

- Board previously voted that no variance was needed based on application which stated that slopes were less than 2%

MB - grant as proposed

DM - second – carries unanimously

10) Discussion: First Dental, 366 Salem St., Medford (V13-162)

TH - EXHIBIT – new submittal from Petitioner

- lift is installed, but elevator inspector failed the inspection, based on the lack of compliant pull side clearance

MB - grant variance for the lack of pull side clearance

RG - second – carries with DM abstaining

11) Incoming Discussion: Ali Building, 148-152 Dorchester Ave., South Boston (V13-297)

TH - EXHIBIT - submittal from Petitioners

- seeking until June 1, 2014 to install the incline lift

DM - grant extension to June 1, 2014, on the condition that no further extensions given

MB - second – carries unanimously

12) Incoming: Lancaster Town Beach, 0 Fire Rd. / 4 Old Union Turnpike Rd., Lancaster (V14-040)

TH - EXHIBIT – variance application and all supplemental information attached

- improvements for access to the town beach

- seeking variance for 18” to the nearest wall from centerline of the toilet, 16” provided

MB - grant

DM - second – carries unanimously

13) Incoming: Summer Street Baptist Church, 1 Summer St., Nantucket (V14-033)

TH - EXHIBIT – variance application and all supplemental information attached

- spending \$200,000 for this project to renovate the altar

- seeking no access to the altar

- proposing winder stairs, which also requires a variance

- rough framing 30% done, noted on the application

MB - deny, and cease and desist work, contact the building department as soon as possible; submit plans showing access

DM - second – carries unanimously

14) Incoming: Summer Street Baptist Church, 1 Summer St., Nantucket (V14-033) – cont’d

CS - expedite

DM - second – carries unanimously

15) Incoming: Ice Pond Woods Condominium Complex, Pine Grove St., Amherst (V14-35)

- TH - EXHIBIT – variance application and all supplemental information
- removal and replacement of all walkways on the site
- work performed project (3.3.1a)
- most of the walkways do not serve accessible entrances since the buildings were built in 1974
- will comply where they can
- the benefit is that people have safe walkways

MB - grant on the condition that the walkway cross slopes comply

AB - second – carries with CS opposed

16) Incoming Discussion: Residential Building, 115 Mt. Auburn St., Cambridge (V12-170)

- TH - EXHIBIT – letter seeking amendment to original variance
- previously granted 25.1 and 28.7, notice of action in June 2012
- seeking variance to only provide one handrail at wall-side

MB - grant as proposed

RG - second – carries unanimously

17) Incoming Discussion: Lynn Manufacturing, 402 Boston St., Lynn (V14-024)

- TH - EXHIBIT – new submittal from Architect including photographs and plans
- an additional elevator would cost \$150-180,000; spending over 30% and change of use
- seeking for variance for the lack of vertical access to the offices at the second floor; proposing conference room area at the first floor with accessible bathrooms

CS - grant as proposed, based on accommodation policy and conference room provided

RG - second – carries unanimously

DM - if hearing was scheduled, it can be canceled

MB - second – carries unanimously

18) Discussion: Cases of the day

- CS - question about the use of a portable ramp?

MB - when the back entrance was built, why wasn't it made accessible?

CS - goes into the kitchen

- TH - asked them to look into sloping the sidewalk and the entrance
- no access to the second floor

CS - River Street Bridge; Michael Muehe opposed

TH - they have a good technical argument; they want to increase the pipe size, so this requires the slopes to increase slightly; navigable waters, so need to maintain the waterway path underneath

TH - they need to maintain the infrastructure, and upgrade the pipelines

CS - what about handrails?
- maybe that would help

DM not present – left the room

TH - they are coming to us before the project starts

CS - Rusty Anchor

TH - boathouse club

- wanted a temporary CO to use the building, but Building Inspector asked the Board to not support the issuance of the temporary CO

- not sure about jurisdiction of the docks

- second floor is over 2,000 square feet

DM now present

WW - 5,000 square feet total

- cost estimates for work is way below

19) Incoming Discussion: Mixed Use Building, 7 Summer St., Manchester (V13-160)

TH - case of reconstruction, spending over 30%

- sought relief to put in vertical access, granted, based on providing conference room with bathroom at first floor; and that the accommodation policy be registered, required that the door to the toilet room be moved to the conference room side

- attorney for the owner wants to allow the wall between the adjacent office and conference room to be removed

CS - *deny*

DM - *second – carries unanimously*

CS - *submit photographic evidence that the door to the bathroom has been moved to the conference room side by April 15, 2014*

DM - *second – carries unanimously*

20) Discussion: Norton Crossing, 184 West Main St., Norton

TH - allowed a temporary occupancy and 60 day time extension to complete the elevator and 60 day temporary co issued on 12/23/14; temporary CO expired 2/23/14; seeking small extension to completion of elevator and temporary CO

CS - *grant*

DM - *second – carries unanimously*

CS not present – left the room

21) Incoming: Watermark Seaport, 85 Seaport Blvd., Boston (V14-037 & 038)

TH - EXHIBIT- variance application with supplemental information attached
- V14-037 is sink depth, seeking to install deeper sinks

DM - grant on the condition sinks provided upon request at no cost to tenant and language in the leases

RG - second – carries unanimously

TH - V14-038, variance for outlet locations
- glass walls change the location of outlets, so some not within reach ranges

DM - grant as proposed

AB - second – carries unanimously

22) Discussion: Grafton Town House, One Grafton Common, Grafton (V10-081)

TH - EXHIBIT – new submittal from Petitioners
- met with them on Friday 2/21
- seeking a time extension, want until June 30, 2014 to present construction ready documents to the elevator

DM - grant on the condition that no further extensions will be requested or granted

MB - second – carries unanimously

TH - submittal of accommodation policy for Apple Tree Arts

DM - February 1, 2014 letter from Apple Tree Arts read into the record (EXHIBIT)
- doesn't really say how they are going to do it

MB - I don't think they know, but this policy is better than the last policy submitted

MB - accept the submitted accommodation policy

DM - second – carries unanimously

TH - special town meeting planned in April to address the elevator issue

CS now present

TH - they are applying for some community preservation money
- seeking letter of support

MB - write a letter of support for their petition of funds

DM - second – carries unanimously

- TH - two contracts submitted regarding the ramp to the basement, proposed to be started by mid-March and to be completed by the previously issued deadline
- 6 benchmark dates, leading up to the public bidding process in July, hoping to still meet the 2015 deadline

23) Hearing: Commercial Building, 42 Merrimac St., Newburyport (V13-276)

- WW - called to order at 11 a.m.
- introduce the Board Members present (all present)

Robert Finneran, First and Ocean Realty (RF)

William March, Architectural Designer (WM)

- WW - both sworn in
- EXHIBIT 1 – AAB1-128

- RF - when filed original variance application with this Board, also simultaneously submitted to the Mass Historic Commission
- Mass Historic moved slower than AAB
- came before the Board on October 21st
- letter from Mass Historic not present
- originally denied the variance request
- wanted photographs of the building and why the project took so long to come before the Board
- sent pictures of just the brick building
- interior of the building is 22.6 feet by 14 feet
- floor is raised above the sidewalk, built in 1799
- 17-19 inches above grade
- 3 of 4 sides right on the property line
- bought the building in 2008
- sub shop operating in the building prior
- also a lawyer and certified public accountant
- realized that the building was not being utilized to its full potential, so bought the building in early 2008
- letter found at the Board of Health, noting that the business could not operate unless “essentially” a new kitchen was created
- in order to make this financially feasible, financed to expand the kitchen and create a second floor space
- propose to use the second floor as a condominium, but will need a separate permit for that
- in 2008 purchased the building with majority of savings, and do a little bit of work and then get an additional business loan for commercial development
- could not get a loan for the project, so the project stopped
- went before the City seeking a building permit and zoning permit

- went through these processes since could without spending money
- last year permit extension act passed, and since the project was permitted originally, granted the permit for another 2 years
- early 2013 got the financing to go forward with the project
- two steps into the building
- always thought that in order to get into the building, will have to change the front of the building, which I knew would not be approved by the historical commission
- once received all historic approvals, went forward with the project, but sought a variance from the access board because of the historic front of the building
- started talking to the Board staff about the proposed variance application
- Mass Historic supported preserving the building
- submitted application on the 23rd of September 2013

WW - when was permit pulled?

RF - April of 2009

- is the work done?

RF - the shell of the building is done, and the kitchen was created

- what is the status of the building?

RF - no occupancy permit has been issued, and the work has stopped

- when was the work done?

RF - in a couple of different phases, before ran out of money, excavated the foundation for the addition

- permits were given without AAB

RF - was told that a variance was required prior to occupancy

- know that building inspector is responsible for enforcing the ADA and the AAB

WW - new construction gave an opportunity to create some access

- some access at the new construction would have helped the case for the lack of access at the first floor

- kitchen has not been built out yet?

RF - yes, but Public Health will not allow access through the kitchen

- but need to look at corridor or some alternate form of access into the building

RF - fight for equal rights is close to me, but that is why 4 chairs set up throughout the room, to show the size of the building

- the addition of the kitchen is equal to that same amount of space

- drawing for kitchen on page 103 of EXHIBIT 1

WM - the main issue is creating access into the new part of the building, rather than the old part

WW - and the public part of the original portion of the building

WM - can start with access from the street?

WW - no, understand that argument, need to hear about the access through the new part of the building

- WM - the driveway along the side of the building is a public right of way that is 20 feet wide
WW - AAB99?
- yes
 - there is no sidewalk, and two-way traffic, almost a public street, but no name
 - street slopes down, so would come into at a mid-level
 - can come into mid-level landing and go up half of flight of stairs and then into the front portion of the building; could possible use a chair lift
 - would need to go through the kitchen to access the old portion of the building, which is not allowed by the Board of Health
 - cannot put a wheelchair lift, since it would take up too much space
 - would have to travel down a public driveway since there is no sidewalk
 - the slope of the driveway is compliant, but the driveway is in pretty bad shape
 - the driveway is an access for several parking lots in the area
 - opening into the space is right in the middle, with a stair at one side and employee toilet room at the other side
 - could cut a hole into the wall, but would encroach on the kitchen and the staff bathroom
 - would need permission from Historic Commission to cut through the wall, which is also a bearing wall
- WW - what about the front entrance
- MW - there is a utility pole and a retaining wall near the front entrance
- at the western corner of the building the sidewalk is 11.5 inches below the first floor; at the other corner it is 2 feet 3 inches below the floor
 - a 10-12 foot ramp would be required
- RF - same drawings of the ramp at the front are on AAB19 and 20
- MW - there would only be 2 feet to go around the front entrance ramp
- a ramp from the steeper section of the building would not be feasible
 - ramp would create a barricade at the sidewalk
 - the City was not receptive to raising the sidewalk and would also require raising the street as well
- DM - need to get to questions from the members of the Board
- RF - one more issue, if steps were created it would stop further eastbound movement and from the further downtown sidewalks
- DM - the addition that was put on is where the kitchen is?
- RF - yes
- DM - how could an addition be put on if they were waiting for the historic commission
- RF - national commission requires that additions meet a certain parameter and the addition met that design
- the addition created the lack of access, should have been considered when project was designed

- RF - kitchen and accessible toilet room required, so this takes up most of the space
- yes, but this was basically a blank slate that could have incorporated access to the first floor
- WM - when first did the project was registered, but since now retired, no longer registered
- Gould is a consultant architect and wanted to submit plans from a registered architect
- RF - side doorway there is no public access, but only used for deliveries and the stair to the second floor
- WM - went through thought process from the beginning of the design about accessibility and historic nature
- this was the only way that it could be built and be a functioning building
- RF - did look at cost figures?
- RG - no questions
- MB - entrance from the back leads to steps?
- up steps to get to the kitchen?
WM - yes
- how many steps?
WM - 7 steps
- landing up to the first floor and then full flight of stairs to the second
- MB - I know that hope that the second floor is a condo of some type?
- doesn't look like residential area? Commercial condo?
RF - no there is zoning for mixed use, so will need a zoning permit for residential in the building, since this is such a small building
MW - same layout of residential condo at second floor and art gallery at first floor, directly across the street
- MB - if it is used as a commercial space, then will need further variances
- AB - side door shown in any of the pictures?
WM - AAB 78 and 79
- WM - that door goes in mid-level
- CS - stairs right when you go in?
RF - there is a landing with stairs up to the first floor and stairs to the basement
- AB - AAB75
- plans show side entrance
- CS - thought access was impossible during the planning stages?
WM - yes

- self-created hardship, although your testimony is that there was no way to create access?

WM - yes, it was not feasible to create access

CS - is sub shop operating?

RF – no

CS - bathroom?

- is it employees only or open to the public?

RF - talked to the Board of Health and said that since the seating is so small, would approve the bathroom being for employees only

WM - bathroom designed as accessible and compliant with 521 CMR

- Board of Health has stated that they may not require the toilet room to be open to the public, since can't have people going through the kitchen

RF - two agencies are saying different things

- have to go into the new structure

AB - old versus new floor level?

WM - all the same level?

- have to go towards the kitchen, since told that cannot go through kitchen to get to bathrooms

CS - why not just put a door on the kitchen?

WM - could do that, intend to create an accessible bathroom

CS - what about using a portable ramp?

WM - it would be as big as the permanent ramp due to the change in level

- cannot come straight out onto the street

MB - two steps, as shown in AAB84

AB - about 13 inches?

WM - 13 inches at one side and 18 at the other

DM - take the matter under advisement, due to allotted time for the hearing being expired, render a vote later in the day

MB - second

WW - could look at external stair to the second floor, or perhaps a modified ramp at the front of the building

CS - want to ask one question?

- is it going to be a sub and sandwich shop?

RF - yes, generally takeout, but there are 13 seats

- carries unanimously

24) Hearing: Curb Cuts/Sidewalks, River St. Bridge, Boston/Cambridge (V13-288)

WW - called to order at 1 p.m.
- introduce the Board (all present)

Daniel Nelson, HSH (Designer) (DN)

Bridget Myers, HSH (Designer) (BM)

Rob Antico, MassDot Project Manager (RA)

Robert Hajjar, H & H Engineers (RH)

Sandy Durmaskin, Cambridge Commission for Persons with Disabilities (SD)

Michael Muehe, Executive Director Cambridge Commission for Persons with Disabilities (MM)

WW - all sworn in
- EXHIBIT 1 – AAB1-17

RA - thank the Board for opportunity

RH - project is a bridge reconstruction
- existing structure been in service since the 1930's
- four bridges in the area are part of the project
- AAB17
- top structure of the arch, then earth fill, concrete slab
- water mains and 30" diameter gas mains
- these are transmission mains
- part of the bridge is historic, can't change the footprint and the look
- maintaining the existing arch structure
- triple arch structure, with water main just over those arch structures

DN - AAB15

RH - scale is stretched vertically to show the area in question
- existing structure only had a 4 inch non-reinforced concrete sidewalk above the water and gas mains
- the lack of reinforcement would be major problem if ever an accident on top of these mains
- required 1 foot reinforced structure, not 4 inches non-reinforced
- crash tested barriers proposed
- are maintaining the arch, huge cost savings in staying out of the waterline

DN - additional coverage need on top of the utilities and need to reinforce the barriers
- sidewalks have an 8inch reveal and consistent 1.5% cross slope
- section of 100 feet at the Boston side, where the slope of the sidewalk exceeds 5%, 6.32%
- as you reach the center of the bridge, flattens out a bit
- at the Cambridge side, areas of approximately 150 feet with 6.42%
- corners at Memorial Drive, there is a steep grade change that needs to be met

- AAB16, intersections details
- initially just looking at the footbridge, when met with the residents, found that this was a key access point for all members of the neighborhood; both vehicular, bike and pedestrian
- installing pedestrian signals at all crossings
- working with MassDot to see if anything can be done in the interim, prior to construction
- south corner at Soldier's Field Road (Ramp #3)
- slope of the sidewalk exceeds 5%, longitudinal slope becomes the cross slope of the ramp, and exceeds 1.5%
- new sea wall which will be rebuilt
- wanted to extend the sidewalk a bit to allow more space for people to wait to cross the street
- fixing the cross slopes in one section will just move the issue down and create a bigger issue
- Ramp 1 and 2 also tried to provide areas where the cross slope is closer to 2%
- talked about making the concrete a darker shade at the proposed grade break which will have steeper slopes
- at Memorial Drive side of the bridge, Ramp #7, 6% cross slope with maxed out wings of the curb cut at the back of the sidewalk, also tried to increase the area for waiting space to cross the street
- Ramp #5 and #6, longitudinal slope becomes the cross slope at Ramp #5
- as you approach Ramp #6, past the level landing area there is a small portion of the sidewalk that exceeds the 2%
- looked to provide the most minimal amount of sidewalks that are noncompliant

- MM
- in October letter to the Board, opposed these variances, since don't think that alternatives to get closer to compliance have not been looked at
 - spending \$48 million to create worse slopes
 - 5% is more difficult for people with mobility impairments, anything over 5% triggers handrails
 - to see \$48 million spent to create noncompliant slopes is frustrating, when the current slopes are compliant
 - need to put more thought into construction material alternatives, but not sure of those materials, but know that they can be deployed in a thin way, but would be just as strong
 - historic preservation argument by Petitioner, but no letter from Mass. Historic to support this argument
 - vague concerns about preserving historical
 - historic features can be made accessible when vetted by Mass Historic and this Board, resulted in access and historic preservation
 - no effort to provide documentation from Historic Commission

- SD
- seems that the slopes over the bridge, technically feasible to get over the bridge with compliant slopes at this point
 - cross slopes at the ramps are significant changes, could cause people to tip over
 - 100's of people cross those bridges every day, safety issue in the significant cross slope change
 - AAB12, statement that the sidewalks follow the same grade profile as the roadway; why not slightly vary the roadway slopes?

- DN
- submittal of letter from MassDOT, addressed to Brona Simon of Mass. Historic Society, from Jeffrey Shrimpton (dated March 8, 2012)

- WW - Mass Historic stamped the letter on March 12, 2012
- letter stamped by Mass Historic with note stating no adverse effect on March 30, 2012
- (letter read into the record)

DM not present – left the room

- WW - letter is accepted as EXHIBIT 2
- RA - \$48 million for the project, which includes 4 bridges, this is the only bridge that seeking variance for
- RH - MassDOT typically uses steel and concrete; new materials not used in these type of situations
- structure over the mains needs to be able to stand up over the time
- need to use materials that can easily be repaired by local contractors
- has to be repaired with easily attainable materials

DM now present

- CS - bridge already has quite a slope, how much more is the slope going to be
- DN - on the east side of the bridge (Cambridge side), existing running slope is 4.7%, increasing to 6.42% over a distance of less than 150 feet
- WW - total length of the bridge?
DN - almost 500 feet
- CS - technological infeasibility?
DN - yes and the cost
- if the bridge was completely reconstructed it would not be an issue, but since working with the existing structure
- BH - existing sidewalk is only 4 inches, new sidewalk is 12 inches thick
- national code requires that any utility needs to be one foot below grade, and when a gas main, need to make sure that there is structurally reinforced sidewalk above
- CS - quite an increase for people using manual wheelchairs and walkers
- would like to know if spending a bit more could create a better slope situation
- RA - need protection for the utilities, also a moment slab that is tied into a crash-rated railing, which also increases the profile of the sidewalk
- needs to match historically
- need to keep the bridge open to traffic, one of only 20 traffic lanes across the Charles River
- reconstruction would require the entire bridge to be shut down

- CS - do those things alone mean that the slope needs to be increased to 6.42%?
- RA - do want to preserve the bridge as much as possible, and want to preserve the arches
- BM - elevation raised and carried off, then transfers to the intersections, and then would trickle down the path of travel and the roadways
- AB - so need to meet historic demand, and need to balance off as best they could
- RH - yes, and 6.42% is quite a bit less than 8.3%
- AB - no handrails now?
- would that help?
- MM - no, want 5% and this is a substantial benefit to persons with disabilities, losing the substantial benefit
- AB - any variances to the code requirements for the structures
RH – not for a gas line
- DN - that is a major gas main to the city
- RH - can only take one of them out at a time; need to put in temporary during construction to maintain two gas mains
- MB - questions on the curb cuts
- chased 15 feet, which is standard; what about chasing the slope 20-30 feet?
- DN - could get some benefit
- BM - AAB16, Ramp #6 could be extended a bit to create a compliant cross slope
- DN - one more final submittal can look to extend some of them an additional 5 feet to create the least possible slope
- MB - there is some space to extend
- Ramp #7, what can be done?
- BM - we did the best to get the level landing in the middle
- MB - worried about the Ramp #7
- MB - Ramp #3, can that be chased a little further
- BM - can look at that one, but is also an issue of the transition along the sea wall

- MB - would like to see a modified plan showing best case scenario at intersections and curb cuts
- DM - is there a way to make it steeper and create less length of steepness
- DN - potential but there would be a ramp; problem is an issue with sight lines, so those need to be maintained as well
 - stopping site labeled on AAB15, correlates to 25MPH, but if slope increased, it would have an impact on stopping site difference, where already granted a variance for the proposed stop line
- RH - three arches are an issue, and the arch is on a skew, but the roadway above is not
 - the steeper you make it, the shorter the curved portion is going to be
- TH - 12 inches is a new requirement that is tied to the crash rail, connected with re-bar
- CS - have to put the arches back as they are?
 RH - just the bottom of the arch, would have to rebuild the entire structure, so couldn't change the arch
 DN - have to maintain the clear distances for travel under the bridge
 RA - cannot be lowered because there is travel below the bridge as well, may not be technically feasible to meet the slopes
- MB - due to time constraints, need to take the matter under advisement*
DM - second – carries unanimously

25) Hearing: Rusty Anchor, 1451 North St., Pittsfield (V13-285)

- WW - call to order at 2:10 p.m.
 - introduce the Board (all present)

James Scalise II, P.E., SK Design Group (JS)
 Jeremy Richardson, P.E., SK Design Group (JR)
 Scott Graves, Owner of the Rusty Anchor (SG)

- WW - all sworn in
 - EXHIBIT 1 – AAB1-44
- JS - also a reference to historical
- TH - 3.9 states that if a letter from Mass. Historic, the Board may allow variance based on these factors
 - AAB9, letter from Mass Historic
- JS - former YMCA canoe/boathouse
 - public pool and cabins up until 6-8 years ago
 - within the last 10-15 years, the Boathouse was a location for mooring balls, canoes, and sailboats
 - building is on pilings, with lake water completely under the building

- the use of the building has been generally for moorings
- in the later 1990's Route 7 was moved, to isolate the building from the YMCA camp, which led to it being somewhat abandoned
- building was purchased in 2012 for \$10,000
- since 2012, spent money on the foundation, repaired the sheer walls, window and roof

WW - on the application, building permits state \$75,000?

- JS - started at \$75,000, but now about \$200,000 for the work to be done
- anticipate that more work will be required

WW - additional information?

- JR - top two sheets are new
- two plans from SK Design Group; grading and utility plan and SK-1 – EXHIBIT 2

JS - other pages are already in the packet

- EXHIBIT 2, page 1; site plan of the docks
- floating docks proposed
- seeking variance for the recreational docks, since all of the vessels are less than 40 feet
- floating docks (19.11), require handrails, curbs or detectable warnings; but will only be installed at

20% of the dock space

- installing these improvements to the docks are necessary but not necessary to the entire dock system

CS - width of dock?

- JS - 4 feet, even though shown as 40feet on plan

MB - no variance required for the docks (19.11)

DM - second – carries unanimously

JS - entrance to the building

- AAB16, shows the first floor of the building and some areas where variances are sought
- seeking variance to have the existing entrance be inaccessible
- elevator installation would be cost prohibitive, to structurally support the elevator would have to go on the land side and modify the front of the structure and remove interior portions of the historic stairway
- seeking a variance to not provide an elevator to create access into the building
- there is an access ramp to the deck, which would access the deck
- the building main entrance is currently at a mid-level landing, with steps up to the second floor and

down to the first floor

CS - what is the use of the first floor?

JS - main use is the deck area (found during soft opening last summer), and to the beverage and hospitality room

- entry room is currently used as a game room with video games
- accessible routes throughout the first floor

- MB - certificate of occupancy for the building?
JS - temporary CO for the event held last summer
- MB - want to know the policy and would like to see it written
- SG - would be there all the time, or my son
- front door was locked during soft opening and directed people to the deck to get to the function
- members use the empty refrigerators or freezers in the beverage and hospitality room
- only used 4 months out of the year
- no heat or a/c
- people only use the building to use the bathroom or pay new fees
- MB - lock the entry room entrance?
SG - yes
- SG - someone is always there greeting people
- MB - can direct people to the deck entrance?
SG - yes
- RG - public private club?
SG - private club, with limited memberships
- have a waiver to use City parking, with first come first serve basis
- CS - events held at the deck?
JS - hopefully, but the space is limited
- DM - ramp that is shown, how wide is it?
SG - half is over 5 feet, other half is 4 feet wide or more
- page 2 of Exhibit 2
- compliant railings at both sides
- JS - Exhibit 2, page 2, recent as-built of the ramp
- labeled percent grades
- ramp construction is noncompliant in some areas, 42 feet of the 56 feet is too steep, but within 2%
- ramp configuration is dictated by existing city parking, existing retaining walls, and the location of the existing sidewalks and lake
- only requesting variance for the ramp because not built professionally the first time
- no tolerance for error in this location
- very little room, could tear it out and build it again, but unsure if the slopes would be compliant
- letter of support from Mass Historic and Pittsfield Commission
- WW - ramp is different from AAB16 ramp

JR - submittal of as-built was because of need to change the ramp on site; amendment to permit was approved by the building department

WW - slopes are a result of difficult construction, if made out of wood then it would comply?

JS - 4-5 foot retaining wall and then 3-4 foot retaining wall

WW - didn't have enough room to work with the tools to get it to comply?
- if laid out wooden ramp, it would be compliant, or if not limited by those retaining walls, could have made it compliant

JS - because of elevations, run into the water

SG - concrete helps with water run-off

CS - wood would be more apt to rot

JR - did give her a little assistance in using the ramp

SG - also have two individuals that were visiting and complimented him on the ramp

MB - only some portions that are really out of compliance
- right, could rip it out and do it again, but noncompliance would still be there

MB - based on the testimony, grant the variance for the slope and cross slopes of the ramp, technological infeasible

DM - second – carries unanimously

CS - grant the variance for the lack of access at the main entrance; on the condition that the accessible entrance is open at all times that the club is open; and that the ramp is kept clear; signage posted at the main entrance

DM - second - carries

MB - AAB41 note that handrails have been modified?

JR - yes they have been modified and are compliant

JS - second floor access, 2,300 square feet
- AAB18, second floor plan
- existing building is \$49,000, have spent nearly \$200,000 to date, so clearly over 30%
- second floor use for private member use is historic
- general recreation room and lounge historically used by campers in that building
- use for smaller gatherings in the evenings at the second floor and two offices and a lounge

- only way to access this floor of the building is the existing stairs and the new exterior stairs off of the deck
- propose a chair lift at the new deck stairs
- CS - cannot use in public settings
- RG - could you make that stairway wider since it was built?
- JS - yes, but would cost prohibitive
- TH - cannot put an incline wheelchair lift on an egress stair unless the required clearance is provided beyond the platform for the lift
- any studies for a LULA or a vertical wheelchair lift
- SG - spent two 4 hour days looking at options for vertical access
- only got one guy out of 12 phone calls who came from Albany
- only option was at the main front entrance, but would not work on the octagonal shape of the front of the building
- would also require changing the entire front of the building
- JS - front entrance stair was the only location where an elevator would be allowed
- CS - stairs were installed?
- JS - yes
- so at that time, could have put in a lift?
- JS - that is possible
- MB - need some alternate designs?
- SG - it is very hot up there in the summer, would be open May 1st to October 1st
- MB - option to not open the second floor until such time that vertical access to the second floor can be provided
- JS - go for certificate of occupancy for the first floor and use the second floor as office space
- CS - *second floor shall not be used by the public, unless and until such time that vertical access is provided to that space or a variance for modified access is approved by this board; submit a sworn affidavit regarding employee only use of the second floor, within 30 days receipt of the decision*
- DM - *second – carries*
- TH - instructed by the Board to contact GG about outstanding issues
- JR - yes all been resolved

26) Hearing: Commercial Building, 42 Merrimac St., Newburyport (V13-276) – Cont'd

DM - motion to reopen

MB - second – carries

DM - deny the variance requested and have the Petitioner submit a plan for access to be approved by the Board prior to any further construction or occupancy permits (temporary or otherwise)

AB - second –

- carries unanimously

27) Hearing: Curb Cuts/Sidewalks, River Street Bridge, Boston/Cambridge (V13-288)

DM motion to reopen

RG - second – carries unanimously

MB - grant the variance for the running slope along the sidewalks on the bridge, based on technical infeasibility; on the condition compliant handrails provided at both sides of the sidewalk with the ramp slope

DM - second – carries unanimously

MB - continue the discussion regarding the curb cuts, to have the Petitioners submit a modified designed showing better slopes at the curb cuts and adjacent sidewalks, submitted within 30 days receipt of the decision of the Board

DM - second – carries unanimously

DM no longer present – left for the day

28) Hearing: Curb Cut, Southwest corner of Washington Street and Laurel Avenue, Wellesley (V13-279)

WW - called to order at 3 p.m.

- introduce the Board (all but DM present)

Dave Hickey, Wellesley Town Engineer (DH)

Doug Stewart, Assistant Wellesley Town Engineer (DS)

Darshan Jhaveri, Project Engineer from BETA Group (DJ)

Karen Yuen, Engineer from BETA Group (KY)

WW - all sworn in

- EXHIBIT 1 – AAB1-9

DH - in the second phase of rehab work at the Rockland Street Bridge

- did pavement improvements on Washington Street side, which extend down to Laurel Avenue

- as you cross the street where Laurel intersects Washington St., the grade of Laurel makes it impossible to meet all of the requirements

DJ - submittal of plans and photos, as shown on the Boards

WW - EXHIBIT 2 – three (3) pages of plans

DJ - Laurel Street at Washington Street is 5.5%, then as steep as 13% at Laurel Ave
- need to maintain roadway so proposing alternate corner ramp with a streetscape area

DH - trying to show what is going on Laurel Avenue and the steepness of the street
- cannot change the profile of the road due to the corner stair entrance to the adjacent building

TH - really good example of technological infeasibility
- had we had these materials previously, may have granted as an incoming

MB - grant the variance for 21.3, on the condition that built as proposed in EXHIBIT 2

RG - second – carries

29) Incoming: Dolce and Gabbana, 11 Newbury St., Boston (V14-023)

TH - EXHIBIT – variance application and all supplemental information attached
- no partial application done
- proposing a LULA with a corner post door
- no work has been done yet
- proposing 51” by 51”, but since a corner post 42” by 60”

MB - grant as proposed

AB - second – carries unanimously

30) Discussion: Casco Crossing Apartments, 168 River Road, Buildings 1-4 and Clubhouse, Andover

TH - new complaint
- it was new construction in 1995/96
- allow TH to be the complainant in this matter

CS - allow TH to fill out the complaint form

RG - second – carries with MB abstaining

31) Incoming: Putnam Square Apartments, 2 Mt. Auburn St., Cambridge (V14-032)

TH - EXHIBIT – variance application and all supplemental information attached
- renovation project, spending over 30%
- seeking 2 variances, 23.4.7, height of parking
- 8’2” to the lowest knuckle of the sprinkler system; have to do some route repairs and regrading; will provide 7’8”

MB - continue to have the Petitioners submit information about getting one on-street accessible parking space; submit by March 18th
CS - second – carries unanimously

TH - door clearances at the trash chute

MB - grant as proposed, based on the policy to collect trash unable to use the trash rooms
AB - second – carries unanimously

32) Incoming: Samuel Sewall Inn, 143 St. Paul St., Brookline (V14-036)

TH - EXHIBIT – variance application and all supplemental information attached
- three-story 12 room bed and breakfast
- adding a three-story addition for more rooms and new exterior porches and new compliant egress stair for the building
- spending over 30%
- proposing a full elevator to all three floors
- seeking 6 variances
- seeking variance for one set of winder stairs (27.2)

MB - grant as proposed
AB - second – carries unanimously

TH - propose to maintain inner handrail at historic stair

MB - grant as proposed
AB - second – carries unanimously

TH - 26.5, three doors #14, 15 and 16 with clear width of 30”

MB - grant as proposed
AB - second – carries unanimously

TH - 26.11, door hardware for 7 doors where he wants to keep the glass door knobs

MB - grant as proposed
RG - second – carries unanimously

TH - van accessible parking space proposed, even though only 6 spots provided on the site
- need a variance since the corner of the house impedes on the access aisle

MB - grant as proposed
AB - second – carries unanimously

- TH - entrances, one fully compliant
- and two areas of rescue assistance proposed at exterior of the entrance doorway

MB - grant as proposed

RG - second – carries unanimously

33) Discussion: New Life Community Church, 221 Baker Ave., Concord (V13-226)

- TH - hearing held in December, and submittal required plans to be submitted by February 7th, received on February 6th
- plan only for a vertical wheelchair lift and costs

MB - grant the use of a vertical wheelchair lift as proposed

AB - second – carries unanimously

MB - lift to be installed, inspected and operational by March 1, 2015

RG - second – carries unanimously

34) Incoming Discussion: State House, 24 Beacon St., Boston (V14-022)

- TH - EXHIBIT – variance application and all supplemental information attached
- seeking variance for 26.11, 26.6.4 (hinge side approach clearance at Door 328), shape of handrail at west wing ramps, 28.12.4, replacing incline lift to Governor’s War Room
- Commissioner Cornelison seeking that the Board make a decision

CS - grant as a courtesy and in the spirit of cooperation

AB - second – carries unanimously

35) Incoming: Proposed Restaurant, 21 Brattle St., Cambridge (V14-031)

- TH - EXHIBIT – variance application and all supplemental information attached
- restaurant fit-out
- spending over 30%
- proposing vertical wheelchair lift to new mezzanine
- seeking variance for the lack of access to seasonal roof deck (68 seats)

CS - deny

MB - second – carries unanimously

36) Incoming: MIT Building #2, 182 Memorial Drive, Cambridge (V14-034)

- TH - EXHIBIT – variance application and all supplemental information attached
- remodel and addition, complete rebuild of the building
- mathematics building
- seeking 5 variances for entrances

CS - hearing

AB - second – carries unanimously

37) Incoming: Swimming Pool, 200 Boylston St., Chestnut Hill (V14-030)

- TH - EXHIBIT – variance application with attached supplemental information
- 48 inch route around the pool deck, route is narrowed by steel columns and pool stair handrails
- lift into the pool, elevator and towel disbursement all are accessible

AB - *grant as proposed*

CS - *second- carries unanimously*

38) Incoming Discussion: Tedesco Country Club, 154 Tedesco St., Marblehead (V14-249)

- TH - EXHIBIT – new submittal from Petitioners dated February 21, 2014
- variance granted previously
- seeking variance for additional accessible parking and no ramp for accessible route

MB - *grant as proposed*

CS - *second – carries unanimously*

39) Discussion: Letter from AmRamp, proposing to be exempt from all codes and permitting

- TH - EXHIBIT – submittal from AmRamp regarding seeking no permit and compliance with codes
- no jurisdiction on one and two family dwellings, but seeking to not require permits or compliance with applicable codes
- Building Inspector

MB - *do not support the waiver of compliance with 780 CMR*

RG - *second – carries unanimously*

40) Discussion: Yawkey Station, Maitland Street at Beacon St., Boston (V12-131 & V14-11)

- TH - EXHIBIT – draft policy from Laura Brelsford, new Assistant General Manager for Accessibility
- has a meeting with Laura Brelsford this coming week

41) Discussion: Minutes and Decisions from February 10, 2014

- CS - changes to the Sinclair Decision and send out immediately
- add language about the exterior lift being available when events are being held

CS - *change date for follow-up submittals to March 15, 2014 for First Congregational Church of Millbury*

AB - *second – carries unanimously*

CS - *accept the decisions (with proposed changes to the Millbury and Sinclair decisions) and the minutes*

AB - *second – carries unanimously*

- End of Meeting -